

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”      MDL No. 2672 CRB (JSC)  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

**ORDER GRANTING MOTION TO  
DISMISS**

This Order Relates To:  
MDL Dkt. No. 1567

*Martin*, 3:16-cv-00712-CRB

The record supports that defendant Santander Consumer USA Inc. has not been served with the complaint in *Martin*, and more than 90 days have passed since the complaint was filed. (See MDL Dkt. No. 1567–1, Fuller Decl. ¶ 2.) Good cause for the failure to serve Santander has not been shown. The Court therefore GRANTS Santander’s motion to dismiss the action against it without prejudice. See Fed. R. Civ. P.4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”)

**IT IS SO ORDERED.**

Dated: October 11, 2019



CHARLES R. BREYER  
United States District Judge